

## Department of Labor

subcontracting provisions in any contract. Requests for approval shall be submitted by the Head of the Contracting Activity through the Director, Directorate of Procurement and Grant Management, to the Director, OSDBU.

### Subpart 2919.8—Contracting With the Small Business Administration

#### **2919.802 Selecting firms for DOL acquisitions.**

Contracting opportunities marketed by individual 8(a) firms may be reserved for the firm or group of firms which identified the opportunity; however, each 8(a) firm or group of firms nominated by DOL for a specific requirement must be approved by SBA for that particular requirement prior to any DOL technical discussions with the firm(s).

#### **2919.803 Selecting acquisitions for the 8(a) program.**

(a) Each DOL Agency shall identify in tentative Annual Advance Procurement Plans acquisitions to be fulfilled by 8(a) firms. Such tentative plans shall provide detailed descriptions of the nature of the services or work, or any other information pertinent to the requirement.

(b) Project officers shall also be responsible for cooperating with the OSDBU to actively locate and identify qualified 8(a) sources and to structure and tailor acquisitions to permit their participation.

#### **2919.810 Contract administration.**

(a) Contracting officers, or designees, shall conduct periodic evaluations relative to the performance of an 8(a) contract at various stages of the contract period of performance. Any problems encountered during the performance evaluation which cannot be resolved shall be referred to OSDBU for subsequent review and discussion with the appropriate SBA official.

(b) The OSDBU and SBA are to be notified at least 45 days prior to initiating final action to terminate a section 8(a) contract.

2920.201-70

## **PART 2920—LABOR SURPLUS AREA CONCERNS**

### **Subpart 2920.1—General**

Sec.

2920.102 General policy.

### **Subpart 2920.2—Set-Asides**

2920.201 Set-asides for labor surplus area concerns.

2920.201-1 Total set-asides.

2920.201-70 Set-asides for construction acquisitions.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 50 FR 8932, Mar. 5, 1985, unless otherwise noted.

### **Subpart 2920.1—General**

#### **2920.102 General policy.**

It is the policy of the Department of Labor (DOL) to award acquisitions with eligible labor-surplus area (LSA) concerns in accordance with FAR part 20. Responsibility for implementing the DOL LSA program is assigned to the Office of Small and Disadvantaged Business Utilization.

### **Subpart 2920.2—Set-Asides**

#### **2920.201 Set-asides for labor surplus area concerns.**

##### **2920.201-1 Total set-asides.**

Acquisitions shall be reviewed for potential combined small business/LSA set-aside consideration in accordance with FAR 19.501 and 2919.501.

##### **2920.201-70 Set-asides for construction acquisitions.**

(a) As prescribed in 2919.503-70, all acquisitions for construction, alterations, maintenance and repair (including architect-engineer services) estimated to cost up to \$2 million shall be set-aside on a class basis for combined small business/LSA concern when the construction site is located in a LSA.

(b) Small business/LSA set-aside preference for construction acquisitions in excess of \$2 million shall be considered on a case-by-case basis under conditions prescribed in FAR 20.201-1.

2922.101-3

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## **PART 2922—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

### **Subpart 2922.1—Basic Labor Policies**

Sec.

2922.101 Labor relations.

2922.101-3 Reporting labor disputes.

2922.101-4 Removal of items from contractor facilities affected by work stoppage.

2922.103 Overtime.

2922.103-4 Approvals.

### **Subpart 2922.6—Walsh-Healy Public Contracts Act**

2922.604 Exemptions.

2922.604-2 Regulatory exemptions.

2922.608 Procedures.

2922.608-4 Award pending final determination.

### **Subpart 2922.8—Equal Employment Opportunity**

2922.803 Responsibilities.

2922.804 Affirmative action programs.

2922.804-2 Construction.

2922.805 Procedures.

2922.807 Exemptions.

### **Subpart 2922.13—Special Disabled and Vietnam Era Veterans**

2922.1303 Waivers.

2922.1306 Complaint procedures.

### **Subpart 2922.14—Employment of the Handicapped**

2922.1403 Waivers.

2922.1406 Complaint procedures.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 50 FR 8932, Mar. 5, 1985, unless otherwise noted.

### **Subpart 2922.1—Basic Labor Policies**

#### **2922.101 Labor relations.**

#### **2922.101-3 Reporting labor disputes.**

Potential or actual labor disputes that may interfere with contract performance shall be reported by the contracting activity to the Office of the Solicitor for legal advice or assistance.

#### **2922.101-4 Removal of items from contractor facilities affected by work stoppage.**

Prior to initiating any action under FAR 22.101-4 for removal of items from contractors' facilities, the contracting officer shall obtain legal advice from the Office of the Solicitor.

#### **2922.103 Overtime.**

#### **2922.103-4 Approvals.**

The Head of the Contracting Activity is authorized to approve the use of overtime in accordance with the limitations in FAR 22.103-4(a).

### **Subpart 2922.6—Walsh-Healy Public Contracts Act**

#### **2922.604 Exemptions.**

#### **2922.604-2 Regulatory exemptions.**

The Secretary of Labor may exempt contracts from the Walsh Healy Public Contracts Act under FAR 22.604(c). A written finding justifying the exemption (see FAR 22.604-2(c)) shall be submitted by the Head of the Contracting Activity to the Director, Directorate of Procurement and Grant Management, for further action.

#### **2922.608 Procedures.**

#### **2922.608-4 Award pending final determination.**

The contracting officer's certification for award under FAR 22.608-4(a) shall be approved by the Head of the Contracting Activity.

### **Subpart 2922.8—Equal Employment Opportunity**

#### **2922.803 Responsibilities.**

Matters involving the applicability of Executive Order 11246 and implementing regulations of the Secretary of Labor to an acquisition or a class of acquisitions shall be reduced to writing by the contracting officer and forwarded through the Head of the Contracting Activity to the Director, Directorate of Procurement and Grant Management, for resolution.